Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Omega Protein, Inc.
Facility Name:	Omega Protein, Inc.
Facility Location:	P.O. Box 175 Reedville, Virginia 22539
Registration Number:	40278
Permit Number:	PRO-40278

January 30, 2007
Issue Date

January 30, 2007
Effective Date

January 30, 2012
Expiration Date

Robert J. Weld
Regional Deputy Director
Piedmont Regional Office
Department of Environmental Quality

Signature Date

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I. Facility Information

Permittee
Omega Protein, Inc.
P.O. Box 175
Reedville, Virginia 22539

Responsible Official
Lyell Jett
General Manager

Facility
Omega Protein, Inc.
P.O. Box 175
Reedville, Virginia 22539

Contact Person
Lyell Jett
General Manager
(804) 453-4211

County-Plant Identification Number: 133-0011

Facility Description: NAICS 311613 – Menhaden fish are conveyed from holding bins to indirect steam-heated cookers which break down the fat cells and coagulates the protein of the fish. The cooked fish pulp goes through a series of hydraulic screw presses where the oil-water emulsion (press liquor) is separated from the cooked fish. The residual solids (fish scrap) are conveyed to indirect steam dryers and then flame dryers. The dried fish is cooled and conveyed to a hammer mill for grinding then treated and cured and sold as fish meal. The press liquor passes through centrifugal decanters to remove suspended fines. The press liquor is heated and pumped to a bank of centrifugal separators which separate oil from the water (stickwater). The oil is then fed through a series of polisher centrifuges where the remaining fines and moisture are removed. This oil goes through a refining process where it is bleached, hydrogenised and deodorized, then stored in ground storage tanks prior to sale. The stickwater is fed to a series of evaporators where the solids are concentrated to 50%. These condensed fish solubles are either fed back onto the fish scrap prior to steam drying or prepared for sale as solubles.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
BW1	ST2	Babcock & Wilcox Boiler, 1975	112.0 MMBtu/hr				6/26/02
BW2	ST3	Babcock & Wilcox Boiler, 1975	112.0 MMBtu/hr				6/26/02
CB2	ST5	Cleaver Brooks, 1988	12.7 MMBtu/hr				7/16/04
CB3	ST4	Cleaver Brooks Model CB-100-500-250ST, 2004	20.9 MMBtu/hr				7/16/04
NUK/ (CB4)		GTS Energy NUK800 propane boiler	4.7 MMBtu/hr				7/16/04
1R	Vent Stack 1	Hauck Powerstar Model 5JP1360F fish meal flame dryer, 1995 (This is also processing piece of equipment so have listed in processing section as well)	75.6 MMBtu/hr 165,000 fish/hr	Cyclone Scrubber	1R-C1 1R-C2 1R-S1 1R-S2	PM/PM-10 PM/PM-10	6/26/02

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
5	Vent Stack 1	Renneburg Burner fish meal flame dryer, pre-1972	40 MMBTU/hr 110,000 fish/hr	Cyclone Scrubber	5-C1 5-C2 5-S1 5-S2	PM/PM-10 PM/PM-10	None Pre-1972
Process A							
S1	Vent Stack 1	TST 150 Steam Dryer	15,000 lb/hr steam 137,000 fish/hr				6/26/02
S2	Vent Stack 1	TST 150 Steam Dryer	15,000 lb/hr steam 137,500 fish/hr				6/26/02
S3	Vent Stack 1	TST 200 Steam Dryer	20,000 lb/hr steam 137,500 fish/hr				6/26/02
1R	Vent Stack 1	Hauck Powerstar Model 5JP1360F fish meal flame dryer, 1995 (This is also fuel burning piece of equipment so have listed in fuel burning section as well)	75.6 MMBtu/hr 165,000 fish/hr	Cyclone Scrubber	1R-C1 1R-C2 1R-S1 1R-S2	PM/PM-10 PM/PM-10	6/26/02
MC1	Vent Stack 1	Fish Meal Cooler	24.2 tons/hr fish 275,000 fish/hr	Cyclone Scrubber	MC1-S1 MC1-S2	PM/PM-10	6/26/02

*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (BW1, BW2, CB2, CB3, NUK/CB4, 1R & 5)

A. Limitations

1. Particulate matter emissions (PM) from the fish meal flame dryer (1R) shall be controlled by the use of cyclones and scrubbers.
(9 VAC 5-80-110 and Condition 3 of 6/26/02 Permit)

2. The approved fuels for the fish meal flame dryer (1R) and the two B&W boilers (BW1 & BW2) are distillate oil and residual oil.

   a. Distillate oil is defined as fuel oil (including diesel oil) that complies with the specifications for fuel numbers 1 or 2 as defined by the current American Society for Testing and Materials method. This definition does not include number 4 oil nor does it include waste oil. Although diesel oil has its own ASTM specification, numbers 1 and 2 diesel oil also meet the specifications for numbers 1 and 2 fuel oil and should be considered as such.

   b. Residual oil is defined as fuel oil that complies with the specifications for fuel numbers 4, 5, and 6 as defined by the current American Society for Testing and Materials method. This definition does not include used or waste oil. Although residual oil has its own ASTM specification, numbers 4, 5, and 6 residual oil also meet the specifications for numbers 4, 5, and 6 fuel oil and should be considered as such.

   A change in the fuels may require a permit to modify and operate.
   (9 VAC 5-80-110 and Condition 5 of 6/26/02 Permit)

3. The approved fuel for the two Cleaver Brooks Boilers (CB2 & CB3) is distillate oil. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 3 of 7/16/04 Permit)

4. The maximum sulfur content of the oil to be burned in the Cleaver Brooks boiler (CB3) shall not exceed 0.3 percent by weight per shipment.

   (9 VAC 5-50-410, 9 VAC 5-80-110, Condition 5 of 7/16/04 permit, and 40 CFR 60.42c(d).)

5. The fish meal flame dryer (1R) shall consume no more than 1,500,000 gallons of any combination of distillate or residual oil per year, calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-110 and Condition 7 of 6/26/02 Permit)

6. The Cleaver Brooks oil fired boiler (CB-3) shall consume no more than 480,000 gallons of No.2 fuel oil per year, calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-110 and Condition 3 of 7/16/04 Permit)

7. The GTS Energy NUK propane-fired boiler (NUK or CB-4) shall consume no more than 100,000 gallons of propane per year, calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-110 and Condition 4 of 7/16/04 Permit)

8. The boilers (BW1 & BW2) and the fish meal flame dryer (1R), combined, shall consume no more than the following quantities of fuel, calculated monthly as the sum of each consecutive twelve (12) month period:

   a. 3,150,000 gallons of No. 6 fuel oil (with sulfur content greater than 0.5 weight percent and less than or equal to 2.0 weight percent) per year; or,

   b. 5,812,300 gallons of No. 6 fuel oil or No. 2 fuel oil (with sulfur content less than or equal to 0.5 weight percent) per year; or,

   c. Any combination of the approved fuels specified in this permit, such that the following are satisfied per year:

$$[[Y_{2.0}(157.6 \times 2.0) + Y_{0.5}(157.6 \times 0.5)]/(2 \times 10^6)] \leq 498.6 \text{ tons/yr}$$

and

$$Y_{2.0} + Y_{0.5} \leq 5{,}812{,}300 \text{ gallons}$$

Where,

* $Y_{2.0}$ is the number of gallons of fuel oil with sulfur content greater than 0.5 weight percent and less than or equal to 2.0 weight percent consumed in each consecutive twelve month period.

* $Y_{0.5}$ is the number of gallons of fuel oil with sulfur content equal to or less than 0.5 weight percent consumed in each consecutive twelve (12) month period.

(9 VAC 5-80-110 and Conditions 6 and 8 of 6/26/02 Permit)

9. Emissions from the operation of the Cleaver Brooks oil-fired boiler (CB3) shall not exceed the limits specified below:

Particulate Matter (PM)	0.3 lbs/hr	0.5 tons/yr
PM-10	0.2 lbs/hr	0.3 tons/yr
Sulfur Dioxide	6.4 lbs/hr	10.3 tons/yr
Nitrogen Oxides (as NO2)	3.0 lbs/hr	4.9 tons/yr
Carbon Monoxide	0.8 lbs/hr	1.2 tons/yr

(9 VAC 5-80-110, and Condition 6 of 7/16/04 Permit)

10. Emissions from the operation of the GTS Energy NUK propane-fired boiler (NUK/CB4) shall not exceed the limits specified below:

Nitrogen Oxides (as NO2)	1.0 lbs/hr	1.0 tons/yr

(9 VAC 5-80-110, and Condition 7 of 7/16/04 Permit)

11. To avoid the applicability of 9 VAC 5-80-1700, Permits-Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas, the permitted facility shall not exceed from the combined operation of boilers (BW1 & BW2) and the fish meal flame dryer (1R) the limits specified below:

Sulfur Dioxide	498.6 tons/yr
PM-10	38.3 tons/yr

(9 VAC 5-80-110 and Condition 13 of 6/26/02 Permit)

12. Visible Emissions from each of the five boilers' (BW1, BW2, CB2, CB3 and NUK/CB4) stacks and Vent Stack 1 (as exhausted to by emissions units 1R, 5, S1, S2, S3, and MC1) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-50-80, 9 VAC 5-80-110 and Condition 14 of 6/26/02 Permit)

13. Boiler and fish meal flame dryer emissions shall be controlled by proper operation and maintenance. Boiler and fish meal flame dryer operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110)

14. Reactivation of any of the five fish meal flame dryers (Ref. D-E01 through D-E05)or any of the seven boilers (Ref. B-E01 through B-E07) may require a permit.
(9 VAC 5-80-110 and Condition 4 of 6/26/04 Permit)

15. The two B&W boilers (BW1 & BW2) are limited to a particulate matter standard $E=1.0906H^{-0.2594}$ $=1.0906* 224^{-0.2594}=$ 0.26792 lb (particulate)/MMBTU, where

E = The maximum allowable emission ratio in pounds of particulate per million Btu input; and

H = The total capacity of the fuel burning equipment installations in terms of million Btu per hour-(BW1 + BW2 = 224MMBTU/hr)
(9 VAC 5-80-110 and 9 VAC 5-40-900 A.1.b)

16. The B&W boiler (BW1) shall be limited to a particulate matter rate of 0.26792 lb(particulate)/MMBTU * 112.0 MMBTU/hr = 30.0 lb(particulate)/hr.

(9 VAC 5-80-110 and 9 VAC 5-40-900 B.1)

17. The B&W boiler (BW2) shall be limited to a particulate matter rate of 0.26792 lb(particulate)/MMBTU * 112.0 MMBTU/hr = 30.0 lb(particulate)/hr.
(9 VAC 5-80-110 and 9 VAC 5-40-900 B.1)

18. The B&W boiler (BW1) shall be limited to a sulfur dioxide rate of 2.64 * 112.0 MMBTU/hr = 295.7 lb(sulfur dioxide)/hr.
(9 VAC 5-80-110 and 9 VAC 5-40-930 A.1)

19. The B&W boiler (BW2) shall be limited to a sulfur dioxide rate of 2.64 * 112.0 MMBTU/hr = 295.7 lb(sulfur dioxide)/hr.
(9 VAC 5-80-110 and 9 VAC 5-40-930 A.1)

20. The Cleaver Brooks boiler (CB2) shall be limited to a sulfur dioxide rate of 2.64 * 12.7 MMBTU/hr = 33.5 lb(sulfur dioxide)/hr.
(9 VAC 5-80-110 and 9 VAC 5-40-280 B.1.a)

21. The Cleaver Brooks boiler (CB3) is subject to the requirements of 40 CFR Part 60 Subpart Dc, except where more restrictive within this permit.
(9 VAC 5-80-110 and 9 VAC 5-50-410)

B. Periodic Monitoring/Recordkeeping

1. Cyclones: The cyclones required by Condition III.A.1 shall be provided with adequate access for inspection. An annual internal inspection shall be conducted on the cyclones by the permittee to insure structural integrity.
(9 VAC 5-80-110 and Condition 3 of 6/26/02 Permit)

2. Scrubbers: The scrubbers required by Condition III.A.1 shall be provided with adequate access for inspection. Each scrubber shall be equipped with a flow meter to continuously measure and indicate water flow rate. Each flow meter shall be installed in an accessible location and shall be maintained by the permittee such that each one is in proper working order at all times.
(9 VAC 5-80-110 and Condition 3 of 6/26/02 Permit)

3. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil or residual oil. Each fuel supplier certification shall include the following:

   a. The name of the fuel supplier.

   b. The date on which the oil was received.

   c. The volume of distillate oil delivered in the shipment.

   d. For the distillate oil, a statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2.

   e. For the residual oil, a statement that the oil complies with the American Society for Testing and Materials specification for fuel oil numbers 4, 5, and 6.

   f. The sulfur content of the oil.

   g. The method used to determine the sulfur content of the oil.

   h. Documentation of sampling of the oil indicating the location of the oil when the sample was drawn.

   (9 VAC 5-80-110, 9 VAC 5-50-410, Condition 5 of 7/16/04 Permit, Condition 6 of 6/26/02 Permit, and 40 CFR 60.48c(e)(11), and 40 CFR 60.48c(f)(1))

4. The permittee shall provide a certified statement signed by the owner or operator of the facility stating that records of the fuel supplier certifications submitted represent all of the fuel combusted for Cleaver Brooks boiler (CB3) during the reporting period.
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.48c(e)(11))

5. The permittee shall perform visual inspections for a brief time period **weekly** for emissions units' BW1 and BW2 stacks (Stack 2 and Stack 3, respectively) and Vent Stack 1 (as exhausted to by emission units S1, S2, S3, 1R, 5 and MC1) and shall perform visual inspections for a brief time period **monthly** for emissions units' CB2 and CB3 stacks (Stack 5 and Stack 4, respectively) to determine if any of the above referenced stacks have normal visible emissions, except during weeks in which a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the respective unit(s)/stack(s). On each occasion that above-normal visible emissions are observed, the permittee shall conduct a Method 9 visible emissions evaluation on the stack(s) unless the visible emission condition(s) is/are corrected as expeditiously as possible. The permittee shall maintain records of the results of the weekly and monthly visible emissions inspections and details of any corrective actions taken as a result of these inspections.
(9 VAC 5-80-110)

6. The permittee shall observe the water flow rate required in Condition III B.2 with a frequency of not less than once per daily operation. The permittee shall keep a log of the observations and any corrective actions taken for the applicable monitored parameters established during performance testing required in Condition III C.2
(9 VAC 5-80-110)

7. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Regional Director. These records shall include, but are not limited to:

   a. The annual consumption of fuel oil (expressed in gallons) by the fish meal flame dryer (1R), calculated monthly as the sum of each consecutive twelve (12) month period.

   b. The combined annual consumption of fuel oil (expressed in gallons) by the fish meal flame dryer (1R) and the B&W boilers (BW1 & BW2), calculated monthly as the sum of each consecutive twelve (12) month period.

   c. The annual consumption of fuel oil (expressed in gallons) by the 20.9×10^6 Cleaver-Brooks oil-fired boiler (CB3), calculated monthly as the sum of each consecutive twelve (12) month period.

   d. The annual consumption of propane (expressed in gallons) by the 4.7×10^6 GTS Energy NUK 800 propane-fired boiler (NUK/CB-4), calculated monthly as the sum of each consecutive twelve (12) month period.

   e. All fuel supplier certifications.

   f. Records of the annual inspections conducted for the cyclones required by Condition III B.1 which lists the times, dates, results, and any corrective maintenance taken as a result of the inspections.

g. Records (logs) of the once per daily operation observations conducted on the water flow rate as required in Condition III B.6 which lists the times, dates, results, and any corrective actions taken as a result of these observations.

h. A maintenance schedule for emission units BW1, BW2, CB2, CB3, NUK/CB4, 1R and 5R as well as all scrubbers and cyclones required by Condition III A.1.

i. Operator training records.

j. Written operating procedures for emission units BW1, BW2, CB2, CB3, NUK/CB4, 1R and 5R as well as all scrubbers and cyclones required by Condition III A.1.

k. All records specified and required in 40 CFR 60 Subpart Dc including, but not limited to the following: construction and start-up notifications, all fuel supplier certifications, and **daily** fuel usage for each fuel type used by the Cleaver Brooks (CB-3) boiler.

l. The results of the weekly and monthly visible emission surveys as detailed and required by Condition III B. 5 and details of any corrective action(s) taken as a result of these inspections.

m. Times and dates when any scrubber or cyclone required by Condition III A.1 was not in use or was inoperative while the emission unit being controlled was operating.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, Conditions 5, 10, 15, and 16 of 7/16/04 Permit, Conditions 16, 21, and 22 of 6/26/02 Permit, and 40 CFR 60.48c)

C. Testing

1. Once during the five year term of this permit, and once every five years thereafter, the permittee shall conduct performance tests for PM/PM10 and Sulfur Dioxide from each emission unit, BW1, BW2, and 1R, in order to determine compliance with the emission limits listed in Condition III A. 11. These tests shall take place within 18 months of initial issuance of this Title V permit, and the units BW1, BW2, and 1R shall be operating at a minimum of 80% of maximum rated capacity. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and 9 VAC 5-60-30, and the test methods and procedures contained in each applicable section and 9 VAC 5-60-70. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol as detailed in Condition III C. 3 at least 60 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110)

2. Once during the five year term of this permit, and once every five years thereafter, the permittee shall conduct performance tests to verify control efficiency for the cyclones/scrubbers (PCD-ID 1R-C1, 1R-C2, 1R-S1, and 1R-S2) which control particulate emissions from emission unit 1R. These tests shall take place within 18 months of initial issuance of this Title V permit, and the emission units shall be operating at a minimum of 80% of maximum rated capacity. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and 9 VAC 5-60-30, and the test methods and procedures contained in each applicable section and 9 VAC 5-60-70. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol as detailed in Condition III C. 4 at least 60 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110)

3. As part of each testing protocol required in Condition III C.1, the permittee shall submit target operating rates for each piece of equipment or operation being tested, including hourly fish processing/drying rates. The permittee shall also discuss in each testing protocol which fuels will be burned during each test to maximize emissions for those units that may burn different fuels and fuel oil sulfur content for each fuel. The permittee shall make every reasonable effort to maximize air emissions during the testing required in Condition III C.1. Additionally, test reports shall contain documentation showing type and amount of fuel being used during the test, the fuel oil sulfur content, and the actual operating rate of each piece of equipment or operation being tested. In the test reports, the permittee shall compare this information to the targeted operating rates and fuels listed in each approved protocol. The testing requirement in Condition III C.1 will become invalidated if the permittee submits supporting documentation detailing why testing cannot be physically conducted and it is approved by the Piedmont Regional Office 120 days prior to the required submittal date for the testing protocol.
(9 VAC 5-80-110)

4. As part of each testing protocol required in Condition III C. 2, the permittee shall submit target operating rates for each piece of equipment or operation being tested which include hourly fish processing rates. In each testing protocol, the permittee shall also discuss how the PM/PM10 control efficiency for the cyclones/scrubbers as detailed in Condition III C. 2 will be derived. The permittee shall make every reasonable effort to maximize air emissions during the testing required in Condition III C. 2. Additionally, test reports shall contain documentation showing the actual operating rate of each piece of equipment or operation being tested, the amount of fish being processed for each test run, the PM/PM10 inlet concentration to the cyclones (PCD ID 1R-C1 and 1R-C2), and the PM/PM10 outlet concentration after exiting the scrubbers (PCD ID 1R-S1 and 1R-S2). In the test reports, the permittee shall compare this information to the targeted operating rates listed in each approved protocol. The testing requirement in Condition III C. 2 will become invalidated if the permittee submits supporting documentation detailing why testing cannot be physically conducted and it is

approved by the Piedmont Regional Office 120 days prior to the required submittal date for the testing protocol.
(9 VAC 5-80-110)

5. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

D. Reporting/Notifications

1. The permittee shall submit fuel quality reports pertaining to the Cleaver Brooks boiler (CB-3) to the Director, Piedmont Regional Office and to the EPA, Region III address listed in Condition III D. 2 within 30 days after the end of each quarterly period. If no shipments of oil were received during the quarterly period, the quarterly report shall consist of the dates included in the quarterly period and a statement that no oil was received during the quarterly period. If distillate oil was received during the quarterly period, the reports shall include the following:

   a. Dates included in the quarterly period.

   b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the quarterly period or a quarterly summary from each fuel supplier that includes the information specified in Condition III B. 3 for each shipment of distillate oil.

   c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility for the Cleaver Brooks boiler (CB-3).
   (9 VAC 5-50-410, 9 VAC 5-80-110, 40 CFR 48c(e)(1), 40 CFR 48c(e)(11), and 40 CFR 48c(j))

2. The permittee shall furnish written notification to the Director, Piedmont Region of:

   a. The anticipated start-up date of the Cleaver Brooks oil-fired boiler (Reference No. 3 CB 3)(NSPS) postmarked not more than 60 days nor less than 30 days prior to such date.

   b. The actual start-up date of the Cleaver Brooks oil- fired boiler (Reference No. CB 3)(NSPS) within 15 days after such date.

   c. The design heat input capacity of the Cleaver Brooks oil-fired boiler (Reference No. CB 3)(NSPS) and the identification of fuels to be combusted in it.

Copies of the written notification reference in items a-c above shall be sent to:

Chief, Air Enforcement Branch (3AP10)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-50-50, 9 VAC 5-50-410, 40 CFR 60.48c(a), 40 CFR 60.48c(a)(1), and Condition 9 of 07/16/04 Permit)

IV. Equipment Requirements – (S1, S2, S3, 1R, 5, & MC1)

A. Limitations

1. Particulate matter (PM) emissions from the fish meal cooler (MC1) shall be controlled by the use of cyclones and scrubbers. The cyclones and scrubbers shall be provided with adequate access for inspection.
   (9 VAC 5-80-110 and Condition 3 of 6/26/02 Permit)

2. The annual fish meal throughput (based on number of fish) of the fish meal steam dryers (S1, S2, & S3) shall not exceed 950,000,000 fish per year, calculated monthly as the sum of each consecutive twelve (12) month period.
   (9 VAC 5-80-110 and Condition 9 of 6/26/02 Permit)

3. The annual fish meal throughput (based on number of fish) of the fish meal flame dryer (1R) shall not exceed 570,000,000 fish per year, calculated monthly as the sum of each consecutive twelve (12) month period.
   (9 VAC 5-80-110 and Condition 10 of 6/26/02 Permit)

4. The annual fish meal throughput of the fish meal cooler (MC1) shall not exceed 83,600 tons per year, calculated monthly as the sum of each consecutive twelve (12) month period.
   (9 VAC 5-80-110 and Condition 11 of 6/26/02 Permit)

5. Emissions from the combined operation of the fish meal steam dryers (S1, S2 & S3), the fish meal flame dryer (1R) and the fish meal cooler (MC1) shall not exceed the limits specified below:

Particulate Matter		0.41	lbs/ton fish	65.1 tons/yr
PM-10		0.41	lbs/ton fish	65.1 tons/yr
Sulfur Dioxide	2.22 lbs/10^6 Btu	166.5	lbs/hr	249.8 tons/yr
Nitrogen Oxides (as NO2)		33.8	lbs/hr	50.3 tons/yr

Carbon Monoxide	2.5	lbs/hr	3.8 tons/yr
Volatile Organic Compounds	0.27	lbs/ton fish	42.8 tons/yr
Formaldehyde	0.27	lb/hr	0.037 tons/yr

(9 VAC 5-80-110 and Condition 12 of 6/26/02 Permit)

6. The fish meal steam dryers (S1, S2 & S3), the fish meal flame dryer (1R), the fish meal flame dryer (5), and the fish meal cooler (MC1) shall be limited to a combined particulate matter rate of 51.3 lb/hr based upon a facility maximum capacity of 300,000 fish drying per hour and 667 lb(fish) per 1000 weight fish conversion factor.
   (9 VAC 5-80-110 and 9 VAC 5-40-260 A)

7. The fish meal flame dryer (5) shall be limited to a sulfur dioxide rate of 2.64* 40 MMBTU/hr = 105.6 lb(sulfur dioxide)/hr.
   (9 VAC 5-80-110 and 9 VAC 5-40-280 B.1.a)

B. Periodic Monitoring/Recordkeeping

1. Cyclones: The cyclones required by Condition IV.A 1 shall be provided with adequate access for inspection. An annual internal inspection shall be conducted on the cyclones by the permittee to insure structural integrity.
   (9 VAC 5-80-110 and Condition 3 of 6/26/02 Permit)

2. Scrubbers: The scrubbers required by Condition IV. A 1 shall be provided with adequate access for inspection. Each scrubber shall be equipped with a flow meter to continuously measure and indicate water flow rate. Each flow meter shall be installed in an accessible location and shall be maintained by the permittee such that each one is in proper working order at all times.
   (9 VAC 5-80-110 and Condition 3 of 6/26/02 Permit)

3. The permittee shall observe the water flow rate required in Condition IV. B 2 with a frequency of not less than once per daily operation . The permittee shall keep a log of the observations and any corrective actions taken for the applicable monitored parameters established during performance testing required in Condition IV. C. 2.
   (9 VAC 5-80-110)

4. The permittee shall fill a 5 gallon bucket full of menhaden fish, determine the weight of the menhaden fish in the 5 gallon bucket by weighing the 5 gallon bucket before any menhaden fish are added and weighing the 5 gallon bucket after the menhaden fish are added, and then counting the number of menhaden fish in the bucket after determining the weight of the 5 gallon bucket of menhaden fish. The permittee shall perform this monitoring on a monthly basis during the operating season (April through December) and shall keep a log of

the weight observations which should include the date, time, number of fish, weight of the fish, and name of the observer.
(9 VAC 5-80-110)

5. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Regional Director. These records shall include, but are not limited to:

   a. The combined annual throughput of fish meal (expressed as the number or tons of fish processed) to the fish meal steam dryers, (S1, S2, and S3), calculated monthly as the sum of each consecutive twelve (12) month period.

   b. The annual throughput of fish meal (expressed as the number or tons of fish processed) to the fish meal flame dryer 1R, calculated monthly as the sum of each consecutive twelve (12) month period.

   c. The annual throughput of fish meal (expressed in tons of fish meal) to the fish meal cooler MC, calculated monthly as the sum of each consecutive twelve (12) month period.

   d. Records (logs) of the monthly weight observations of the caught menhaden fish as required in Condition IV. B 4.

   e. Records of the annual inspections conducted for the cyclones required by Condition IV. B 1 which list the times, dates, results, and any corrective maintenance taken as a result of the inspections.

   f. Records (logs) of the once per daily operation observations conducted on the water flow rate as required in Condition IV. B 3 which list the times, dates, results, and any corrective actions taken as a result of these observations.

   g. A maintenance schedule for emission units S1, S2, S3, 1R, and MC1 as well as all scrubbers and cyclones required by Condition IV A 1.

   h. Written operating procedures for emission units S1, S2, S3, 1R, and MC1 as well as all scrubbers and cyclones required by Condition IV A 1.

   i. Times and dates when any scrubber or cyclone required by Condition IV A 1 was not in use or was inoperative while emission unit being controlled was operating.

   j. All stack test results for all emission units.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110, Condition 5 of 7/16/04 Permit, and Condition 16 of 6/26/02 Permit)

C. Testing

1. Once during the five year term of this permit, and once every five years thereafter, the permittee shall conduct performance tests for PM/PM10, VOC, and Sulfur Dioxide from emission units S1, S2, S3, 1R, and MC1 as exhausted to Vent Stack 1 and shall conduct performance tests for PM/PM10 for emission unit 5 as exhausted to Vent Stack 1 in order to determine compliance with the emission limits listed in Conditions IV. A. 5 and 6 and to re-derive and re-verify the PM/PM10 and VOC emission factors developed in establishing the PM/PM10 and VOC emission limits in Condition IV. A. 5. These tests shall take place within 18 months of initial issuance of this Title V permit, and the emission units shall be operating at a minimum of 80% of maximum rated capacity. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and 9 VAC 5-60-30, and the test methods and procedures contained in each applicable section and 9 VAC 5-60-70. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol as detailed in Condition IV. C. 3 of this section at least 60 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.

   (9 VAC 5-80-110)

2. Once during the five year term of this permit, and once every five years thereafter, the permittee shall conduct performance tests to verify control efficiency for the cyclone/scrubber (PCD-ID MC1-S1 and MC1-S2) which control particulate emissions from emission unit MC1. These tests shall take place within 18 months of initial issuance of this Title V permit, and the emission units shall be operating at a minimum of 80% of maximum rated capacity. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and 9 VAC 5-60-30, and the test methods and procedures contained in each applicable section and 9 VAC 5-60-70. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol as detailed in Condition IV. C 4 at least 60 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.

   (9 VAC 5-80-110)

3. As part of each testing protocol required in Condition IV. C. 1, the permittee shall submit target operating rates for each piece of equipment or operation being tested which include hourly fish processing/drying rates. The permittee shall also discuss in each testing protocol which fuels will be burned during each test to maximize emissions for those units that may burn different fuels and fuel oil sulfur content for each fuel. In each testing protocol, the permittee shall also discuss how emission factors for PM/PM10 and VOC will be derived. The permittee shall make every reasonable effort to maximize air emissions during the testing required in Condition IV. C 1. Additionally, test reports shall contain documentation showing type and amount of fuel being used during the test, fuel sulfur content, the actual operating rate of each piece of equipment or operation being tested, and the amount of fish being processed for each test run. In the test reports, the permittee shall compare this information to the targeted operating rates and fuels listed in each approved protocol. The testing requirement in Condition IV C 2 will become invalidated if the permittee submits supporting documentation detailing why testing cannot be physically conducted and it is approved by the Piedmont Regional Office 120 days prior to the required submittal date for the testing protocol.

   (9 VAC 5-80-110)

4. As part of each testing protocol required in Condition IV C. 2, the permittee shall submit target operating rates for each piece of equipment or operation being tested which include hourly fish processing rates. In each testing protocol, the permittee shall also discuss how the PM/PM10 control efficiency for the cyclone/scrubber as detailed in Condition IV C. 2 will be derived. The permittee shall make every reasonable effort to maximize air emissions during the testing required in Condition IV C. 2. Additionally, test reports shall contain documentation showing the actual operating rate of each piece of equipment or operation being tested, the amount of fish being processed for each test run, the PM/PM10 inlet concentration to the cyclone (PCD ID MC1-S1), and the PM/PM10 outlet concentration after exiting the scrubber (PCD ID MC1-S2). In the test reports, the permittee shall compare this information to the targeted operating rates listed in each approved protocol. The testing requirement in Condition IV C 2 will become invalidated if the permittee submits supporting documentation detailing why testing cannot be physically conducted and it is approved by the Piedmont Regional Office 120 days prior to the required submittal date for the testing protocol.
   (9 VAC 5-80-110)

5. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
   (9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
TK46	No.2 oil tank 308,000 gal (1972)	9 VAC 5-80-720B	VOC	N/A
TK75	No.2 oil tank 152,000 gal (1976)	9 VAC 5-80-720B	VOC	N/A
TK70	No. 6 oil tank 508,000 gal (1971)	9 VAC 5-80-720B	VOC	N/A
TK71	No. 6 oil tank 508,000 gal (1972)	9 VAC 5-80-720B	VOC	N/A
TK1	Fish oil tank 15,000 gal	9 VAC 5-80-720B	VOC	N/A
TK2	Fish oil tank 15,000 gal	9 VAC 5-80-720B	VOC	N/A
TK3	Fish oil tank 15,000 gal	9 VAC 5-80-720B	VOC	N/A
TK5	Fish oil tank 132,000 gal	9 VAC 5-80-720B	VOC	N/A
TK7	Fish oil tank 500,000 gal	9 VAC 5-80-720B	VOC	N/A
TK10	Fish oil tank 101,000 gal	9 VAC 5-80-720B	VOC	N/A
TK9	Fish oil tank 293,000 gal	9 VAC 5-80-720B	VOC	N/A
TK76	Fish oil tank 500,000 gal	9 VAC 5-80-720B	VOC	N/A
TK4	Fish oil tank 20,000 gal	9 VAC 5-80-720B	VOC	N/A
TK6	Fish oil tank 50,000 gal	9 VAC 5-80-720B	VOC	N/A
TK8	Fish oil tank 300,000 gal	9 VAC 5-80-720B	VOC	N/A
F7	Fish oil tank 17,000 gal	9 VAC 5-80-720B	VOC	N/A
F11	Fish oil tank 17,000 gal	9 VAC 5-80-720B	VOC	N/A
F8	Fish oil tank	9 VAC 5-80-720B	VOC	N/A

	20,000 gal			
F9	Fish oil tank 20,000 gal	9 VAC 5-80-720B	VOC	N/A
F10	Fish oil tank 20,000 gal	9 VAC 5-80-720B	VOC	N/A
F12	Fish oil tank 20,000 gal	9 VAC 5-80-720B	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR Part 60 Subparts K, Ka and Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels	Tanks installed prior to 1984 and thus not subject to applicability date. However, the one petroleum tank installed after 1973 is exempt under 40 CFR Part 60.111(b).
40 CFR Part 60 Subpart Dc	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	The CB-2 boiler was constructed in 1988 which is prior than the applicability date of June 9, 1989. It is also not subject to 40 CFR Part 60 Subparts D, Da, or Db because it is not an electric utility steam generating unit nor does it have a heat input rate exceeding 250 MMBTU/hr.
40 CFR Part 60 Subpart D	Standards of Performance for Fossil Fueled Fired Steam Generators	BW1 and BW2 emission units not subject because each unit's heat input rate is less than the 250 MMBTU/hr applicability level.

40 CFR Part 60 Subpart Dc	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	Emission unit 1R is not subject because it is not a steam generating unit.
40 CFR Part 60 Subpart Dc	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	Emission unit 5 is not subject because it was installed prior to the applicability date of June 9, 1989 and is not a steam generating unit.
9 VAC 5 Chapter 40-Part II-Article 4	Existing Stationary Sources Emission Standards for General Process Operations (Rule 4-4)	The VOC and NOx standards do not apply to S1, S2, S3, 1R, 5 & MC1 since the source is not within a VOC control area. Also, for the SO2 emission standards, S1, S2, S3, & MC1 are applicable to the non-combustion standard but will not be inserted as a permit condition since none of the units produce or emit SO2. Units 1R and 5 are subject to the SO2 combustion standard. The combustion standard of 199.6 lb/hr of SO2 for unit 1R will not be used since the combined PM emission limit for S1, S2, S3, 1R, and MC is more stringent. CB2 is subject to the SO2 emission standard in Rule 4-4 but is not subject to the particulate standard since according to the process weight definition, liquid fuel is not counted in process weight. CB3 is not subject to Rule 4-4 since it is subject to more restrictive standards in NSPS Subpart Dc.

9 VAC 5 Chapter 40-Part II-Article 8	Existing Stationary Sources Emission Standards for Fuel Burning Equipment (Rule 4-8)	Emission units 1R and 5 are not subject to the fuel burning requirements listed in Rule 4-8 for PM and SO2. The units do not meet the definition of fuel burning equipment as given in Rule 4-8. CB2 and CB3 are not subject to Rule 4-8 because they do not meet the fuel burning equipment installation definition since they have been in operation after October 5, 1979. The NUK/CB4 is exempt from Rule 4-8 due to its size.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

      (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

   c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

   (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Region.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

b. The permitted facility was at the time being properly operated.

c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

VIII. STATE ONLY ENFORCEABLE REQUIREMENTS

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. The fish meal dryers (1R and 5) and the fish meal cooler (MC1) hourly combined hydrogen cyanide (HCN) emissions as exhausted through Vent Stack 1 shall be limited to 1.12 lb(HCN)/hr.
(9 VAC 5-80-110 and 9 VAC 5-60-300(C)(1)(a))

2. Once during the five year term of this permit, and once every five years thereafter, the permittee shall conduct performance tests for hydrogen cyanide (HCN) at the facility in order to determine compliance with the emission limit listed in Condition VIII 1. These tests shall take place within 18 months of initial issuance of this Title V permit, and the emission units shall be operating at a minimum of 80% of maximum rated capacity. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and 9 VAC 5-60-30, and the test methods and procedures contained in each applicable section and 9 VAC 5-60-70. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol as detailed in Condition VIII 3 at least 60 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110)

3. As part of each testing protocol required in Condition VIII 2, the permittee shall submit target operating rates for each piece of fish processing/drying equipment or operation. In each testing protocol, the permittee shall also discuss which emission units will be operated during the HCN testing . The permittee shall make every reasonable effort to maximize air emissions during the testing required in Condition VIII 2. Additionally, test reports shall contain documentation showing the amount of fish being processed for each test run, the concentration of HCN for emission units 1R and 5 before any fish are processed, the concentration of HCN for emission units 1R and 5 after fish processing, but prior to entry to the respective cyclones/scrubbers, and the outlet concentration of HCN after exiting the respective cyclones/scrubbers. In the test reports, the permittee shall compare this information to the targeted operating rates listed in each approved protocol. The testing requirement in Condition VIII 2 will become invalidated if the permittee submits supporting documentation detailing why testing cannot be physically conducted and it is approved by the Piedmont Regional Office 120 days prior to the required submittal date for the testing protocol.
(9 VAC 5-80-110)